

**\*\*\*DRAFT - DO NOT CITE OR QUOTE \*\*\***

Recommendations of the Cal/EPA Environmental Justice Advisory Committee  
to  
the Cal/EPA Interagency Working Group on Environmental Justice

**draft date: December 31, 2002**

## **I. Environmental Justice in California**

California law defines “Environmental Justice” to mean: “The fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of all environmental laws, regulations, and policies” (Government Code Section 65040.12).

The Environmental Justice movement is deeply rooted in civil rights, and the struggles of people of color and low-income people to be treated fairly and accorded equal protection under all of our nations laws. It has been characterized by passionate debate, and many different views; although this report does not completely set out the scope of these views, we must acknowledge their importance in shaping public policy. As background, a general history of the movement is provided. A more detailed summary\*\* is appended to the report, as is a list of additional references. What this report does show, however, is that Environmental Justice is of great importance to the people of California, and has become a fundamental goal for the state’s environmental programs.

*\*\*Note to Committee: The "summary" referred to here is a placeholder - the Committee has not discussed this item, nor decided what, if any, summary would be attached.*

Environmental Justice first gained national prominence through a protest against the proposed siting of a landfill for polychlorinated biphenyls (PCBs) in a predominately African-American county in North Carolina. The phrase "environmental racism" was used to refer to policies and activities which, either intentionally or unintentionally, result in the disproportionate exposure of racial minorities to environmental hazards. A 1983 study published by the U.S. General Accounting Office (GAO) found that in the southeastern United States, three of four commercial hazardous waste landfills were in communities with more African Americans than whites. The United Church of Christ Commission for Racial Justice expanded the 1983 GAO study to the national level and found similar results. A total of 45 studies conducted by various investigators between 1976 and 1993 examined the role of race and income level in exposure to environmental hazards, and found disparate impacts in the great majority of cases studied (87 percent and 74 percent, respectively; see Appendices F and I for references)\*\*.

***\*\*Note to Committee: Cal EPA staff have not yet fully reviewed the referenced material, nor has the Committee been provided with these studies; the figures cited were taken from a separate report prepared for Cal EPA by an intern and should be verified prior to finalizing this report. Romel has agreed to do this.***

In October of 1991, the First National People of Color Environmental Leadership Summit drafted its “Principles of Environmental Justice.” These Principles articulated broad goals for communities and environmental justice. They asserted that all people have a fundamental right to clean air, water, land, and food. They called for policy based on mutual respect, free from discrimination or bias. They affirmed communities’ right to self-determination, and to participate as partners in every level of decision-making, including needs assessment, planning, implementation, enforcement, and evaluation. Finally, the principles expanded the concept of “environment” beyond ecological and natural systems, to include places where people live, work, play, and go to school.

In 1994, a newly inaugurated President Clinton issued Executive Order 12898: “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.” The executive order requires that all federal agencies incorporate environmental justice into their missions. Specifically, federal agencies are required to address situations where their programs, policies, or activities result in adverse health or environmental impacts that are disproportionately high and adverse in low income communities or communities of color. *[Note to Committee: the Subcommittee requested verification of the next three sentences.]* The order was incorporated into law by Congress in January, 1995. Some of the specific steps agencies were directed to take include enhanced public participation in federal assessments of potential environmental impacts from proposed projects, and increased public access to environmental information, documents, and meetings. Agencies were also directed to analyze the effects of permitting decisions on low income communities and communities of color, and to apply the non-discrimination requirement of Title VI of the 1964 Civil Rights Act to environmental decision-making.

Environmental Justice became part of California’s laws through legislation enacted in 1999 and 2001. It was formally defined when Governor Davis signed Senate Bill 115, authored by Senator Hilda Solis, in 1999. The bill designated the Office of Planning and Research (OPR) as the agency charged with coordinating the state’s efforts for environmental justice programs. It also required the California Environmental Protection Agency to take specific actions in designing its mission for programs, policies, and standards within the Agency. In 2000, Governor Davis included a specific appropriation to Cal/EPA for its environmental justice program, and also signed Senate Bill 89, authored by Senator Martha Escutia. SB 89 established a procedural framework for pursuing environmental justice, and created the Interagency Working Group on Environmental Justice, which includes the heads of Cal/EPAs Boards, Departments, and Office, and the director of the Office of Planning and Research. SB 89 also created the Advisory Group on Environmental Justice, made up of external stakeholders, to assist the Working Group in developing a strategy to identify and address environmental justice gaps in Cal/EPA programs (additional details are provided in Section II, Legislative Mandate). Senate Bill 828 (Alarcon, 2001) requires the Cal/EPA Boards, Departments and Office to identify and

address gaps in their programs that may impede the achievement of environmental justice. Finally, Assembly Bill 1553 (Keeley, 2001) required the Office of Planning and Research to establish guidelines for incorporating environmental justice into the general plans adopted by cities and counties.

*Note to Committee: This is the concluding paragraph of the background section. Our statement as a Committee about the environmental justice problem we are trying to address should go here.*

## **II. Legislative Mandate**

In California, legislation on environmental justice has focused on four entities: Cal/EPA, OPR, the Interagency Working Group, and the Advisory Committee. Cal/EPA is the umbrella agency that oversees all of the state's environmental agencies, also known as its Boards, Departments, and Office. These agencies make environmental decisions for the state, and must ensure environmental justice in their decision-making. The agency that has the overarching responsibility for coordinating environmental justice programs, however, is the Office of Planning and Research, or OPR. The director of OPR, the Secretary of Cal/EPA and the heads of the Cal/EPA Boards, Departments, and Office, sit together on the Interagency Working Group on Environmental Justice; this working group must create a strategy to identify and address environmental justice gaps within their respective programs. In order to assure active and balanced participation by affected stakeholders outside of these agencies, the Legislature also established the Cal/EPA Advisory Committee on Environmental Justice. This Report was prepared by the Advisory Committee in response to a specific legislative mandate. It also includes recommendations that go beyond the specific mandate, that the Advisory Committee felt were important to bring forward.

The Cal/EPA Boards, Departments, and Office (BDOs): The California Environmental Protection Agency, or Cal/EPA coordinates the activities of six environmental Boards, Departments, and Office, including the Air Resources Board, the Department of Toxic Substance Control, the Integrated Waste Management Board, the Department of Pesticide Regulation, the Office of Environmental Health Hazard Assessment, and the Water Resources Control Board. The mission of Cal/EPA is “To improve environmental quality in order to protect public health, the welfare of our citizens, and California’s natural resources. Cal/EPA will achieve its mission in an equitable, efficient, and cost-effective manner.” The agency has historically focused on multi-media coordination. It is now responsible for taking specific actions to achieve Environmental Justice in California.

Senate Bill 115 (Solis, 1999) requires the agency to conduct its programs and promote enforcement in a manner that “ensures fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state,” and develop a model mission statement on Environmental Justice. It also directs Cal/EPA to ensure greater public participation in the development, adoption, and implementation of its environmental regulations and policies, promote enforcement, improve research, and identify differential patterns of consumption of natural resources between different socio-economic groups.

Senate Bill 89 (Escutia, 2000) charges the Secretary of Cal/EPA to convene a working group (see below) to assist the agency in developing “an agencywide strategy for identifying and addressing gaps in existing programs, policies, or activities that may impede the achievement of environmental justices.” SB 89 also directs the Secretary to convene an advisory group of external stakeholders (see below) to assist the agency and the working group in developing the agency’s strategy.

Senate Bill 828 (Alarcon, 2001) requires each Cal/EPA BDO to review its programs, policies, and activities to identify and address gaps that may impede the achievement of environmental justice. The Bill also established statutory deadlines for the completion of specific actions under SB 89.

Cal/EPA’s six Boards, Departments, and Office, and their mission statements, are described below:

*The Air Resources Board (ARB)*: The ARB oversees activities of 35 local and regional air pollution control districts. Districts regulate industrial pollution sources, issue permits, and ensure industries adhere to air quality mandates. The ARB also has primary responsibility for regulating emissions from mobile sources in California, the largest emissions sector, as well as consumer products. Its mission statement is “To promote and protect public health, welfare and ecological resources through effective and efficient reduction of air pollutants in recognition and consideration of the effects on the economy of the state.”

*The Department of Toxic Substances Control (DTSC)*: DTSC regulates hazardous waste facilities. It also oversees the cleanup of hazardous waste sites and ensures that state and federal requirements for managing hazardous wastes are implemented. Its mission statement is “To protect public and the environment from harmful exposure to hazardous substances, without unnecessarily impacting sustainable growth and development.”

*The Integrated Waste Management Board (IWMB)*: The IWMB promotes achievement of waste diversion mandates by local jurisdictions (cities and counties). It fosters markets for recovered recyclables, and enforces legal provisions to protect the environment and public’s health and safety. Its mission statement is “To reduce waste, promote the management of all materials to their highest and best use, and protect public health and safety and the environment, in partnership with all Californians.”

*The Department of Pesticide Regulation (DPR)*: DPR regulates pesticide sales and use, and fosters reduced-risk pest management. The Department also oversees product evaluation/registration, environmental monitoring, and residue testing of fresh produce. It also oversees local use enforcement through the county agricultural commissioners. Its mission is “To protect human health and the environment by regulating pesticide sales and use and by fostering reduced-risk pest management.”

*The Office of Environmental Health Hazard Assessment (OEHHA)*: OEHHA identifies and determines levels of chemicals that cause cancer and reproductive harm. It also operates the

state's Registered Environmental Assessor Program (EPIC). Its mission statement is "To protect and enhance public health and the environment by objective scientific evaluation of risks posed by hazardous substances."

*The State Water Resources Control Board (SWRCB)*: The Board allocates water rights and arbitrates water right disputes. It develops statewide water protection plans, establishes water quality standards, and guides the nine Regional Quality Control Boards. Its mission statement is "To preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations."

The heads of each of the Boards, Departments, and Office are required to participate in the Cal/EPA Interagency Working Group (see below) under SB 89. They are also required by SB 828 to implement the strategy developed in consultation with the Interagency Working Group and the Cal/EPA Advisory Committee (see below).

*The Office of Planning and Research*: The Office of Planning and Research (OPR) is established as the coordinating agency in state government for Environmental Justice programs, under SB 115, and Government Code § 65040.12(c). OPR holds one-day workshops to teach state agency personnel about environmental justice, its statutory underpinnings, and how to address environmental justice issues that may arise in their work. The Office may provide more detailed and specialized training at a later date for interested state personnel who have completed the basic training. SB 89 requires the director of OPR to sit on the Interagency Working Group, along with the heads of the Cal/EPA Boards, Departments, and Office. It also requires the director to consult with the Secretary of Cal/EPA, the Resources Agency, the Trade and Commerce Agency, the Business, Transportation and Housing Agency, and the Cal/EPA Interagency Working Group on Environmental Justice, and any other appropriate state agencies, and all other interested members of the public and private sectors of the state. The director must coordinate the Office's efforts and share information, and review and evaluate information from federal agencies relevant to environmental justice. SB 1553 (Keeley, 2001) requires OPR to develop guidance for local land-use planning agencies to incorporate environmental justice into their General Plans. At the time of this report, OPR has developed and circulated a draft guidance document for public review and comment.

*The Cal/EPA Interagency Working Group*: The Cal/EPA Interagency Working Group is made up of the Secretary of Cal/EPA, the heads of its Boards, Departments and Office, and the director of OPR. Under SB 89, the Working Group is required to examine existing data and studies on environmental justice and coordinate with other governmental agencies, and community groups. It is directed to recommend criteria to the Secretary of Cal/EPA for identifying and addressing any gaps in existing programs, policies, or activities that may impede achievement of environmental justice. It must recommend procedures and guidance to Cal/EPA for coordination and implementation of environmental justice, and for data collection, analysis, and coordination. It must also recommend procedures to ensure that public documents, notices, and hearings are concise, understandable, and readily accessible, and provide guidance for determining when it is appropriate for Cal/EPA to translate crucial documents, notices, and hearings for limited-English-speaking populations. The Working Group is also required to hold public meetings and take public comments on their proposed recommendations.

The Cal/EPA Advisory Committee on Environmental Justice: The Cal/EPA Advisory Committee on Environmental Justice was established in December, 2001, in response to Senate Bill 89 (Escutia, 2000). The membership and mission of the Committee is set out the Public Resources Code § 71114. The Committee was originally created with thirteen members from specific sectors of external stakeholders. These thirteen members include: two representatives of local or regional land use planning agencies; two representatives from air districts; two representatives from certified unified program agencies (CUPAs); two representatives from environmental organizations; three business representatives (two from large and one from small business); and two representatives from community organizations. One of the first actions taken by the Committee, in response to valid concerns from the public, was to vote to support legislation to expand the representation on the Committee. The legislation (Senate Bill 1542, Escutia) was signed by Governor Davis in September, 2002. Four additional members were added to the Committee, which now includes seventeen members. The four new members include two additional representatives from community groups, one representative of Native American tribes, and one additional representative of small businesses.

Under Senate Bill 89, the Committee is mandated to assist Cal/EPA and the Interagency Working Group “by providing recommendations and information to, and serving as a resource for” them as they carry out their Environmental Justice mandates.

### **III. Purpose and Summary of Recommendations**

*Note to Committee: This section is based on the substance of the recommendations as provided in the original framework document. If the Committee makes changes to the substance of the recommendations, this section would have to be revised to reflect those changes.*

The Committee’s recommendations are being made to the Secretary of Cal/EPA and the Interagency Working Group, in response to the specific mandate to the Committee under SB 89. In formulating these recommendations, the Committee sought and received extensive public input. As an outgrowth of the process, the Committee has identified ways to further the goal of Environmental Justice that go beyond those areas specifically outlined in SB 89. These recommendations are intended to assist Cal/EPA and Interagency Working Group as they develop their strategy to achieve Environmental Justice in California. The Committee has also made recommendations to entities outside the Cal/EPA umbrella that the Committee feels have an important role in achieving Environmental Justice, especially if their actions will affect the success of Cal/EPA’s strategy.

The Committee reviewed the charge to the Interagency Working Group in SB 89, as detailed in Section 71113 of the Public Resources Code. The Working Group is charged to do six essential things (described in Section II, above). The Committee’s recommendations respond to this mandate as follows:

*Note to Committee Members: The Subcommittee did NOT discuss the substance of recommendations referred to below. The Subcommittee felt that its charge was restructuring the document and preparing the background sections; any changes to the substance of the recommendations should come from the Committee as a whole.*

**Examine existing data and studies on Environmental Justice, and consult with other agencies and affected communities.** The Committee has undertaken only a limited review of existing data and studies. By virtue of its membership, however, and the public process it has undertaken in since its creation, the Committee has consulted with other agencies and affected communities. Section IV of this report details the process undertaken and comments received, in order to help the Working Group accomplish this legislative charge.

**Recommend criteria for identifying and addressing any Environmental Justice gaps in existing programs, policies, or activities.** The recommendations under Section V, Element #1 are intended to help the Working Group accomplish this legislative charge. The Committee has not discussed criteria in any formal way. Instead, the Committee has recommended the Working Group develop those criteria through a public process. The Committee has also provided recommendations about specific program areas, in response to the issues raised in the public comment process.

*Note to Committee Members: The Committee has never actually discussed whether this is the direction we want to take. From speaking with other members, it appears that there are several viewpoints on this. First, there is a significant concern that the process could get bogged down in the discussion of criteria, and in particular, in the process of identifying gaps; this could prevent the BDOs from making full use of available information and tools to address known gaps in the near term. Second, there is a concern that without clearly articulated criteria, the process will become highly subjective and inconsistent, and progress will be difficult to measure. Third, there is a concern that if the BDOs are left to define their own criteria, they may get bogged down in the discussion, or each BDO may simply conclude that in its own program, there are no gaps. There may be other viewpoints as well. The Subcommittee asks the full Committee to discuss this issue.*

**Recommend procedures to ensure that public documents, notices, and hearings are concise, understandable, and readily accessible to the public, and provide guidance on when it is appropriate to provide translation for limited-English speakers.** The recommendations of Section V, Element #2 are intended to help the Working Group accomplish this legislative charge. The Committee considered public participation in a broader context, believing it is a crucial part of achieving Environmental Justice. Specific guidance is provided to enhance the availability of information and the effectiveness of efforts to increase public participation in agency decision-making processes. Guidance is also provided on other aspects of meaningful public participation, and largely responds to the input received from community members. The Committee did not provide guidance on when it is appropriate to provide translation.

***Recommend procedures for data collection, analysis, and coordination, relative to Environmental Justice.*** The recommendations under Section V, Element #3 are intended to help the Working Group accomplish this legislative charge. The Committee has provided recommendations in these areas, and has included an additional area based on public input. Community groups were anxious to play a broader role in studies that involve the community. They are seeking opportunities and support for community-based research (discussed in more detail later), and the Committee has included recommendations addressing this issue. We note, however, that some commenters expressed hope that Cal/EPA would avoid using research and data gathering to delay acting on issues that require immediate attention.

***Recommend procedures and guidance for the coordination and implementation of intra-agency Environmental Justice strategies.*** The recommendations under Section V, Element #4 are intended to help the Working Group accomplish this legislative charge. The Committee has provided recommendations for intra-agency coordination, but felt some additional areas were pertinent to this carrying out this charge. Specifically, the Committee has also included recommendations for better coordination with agencies outside of Cal/EPA, and also for making sure Cal/EPA and its Boards, Departments, and Office are accountable to public for strategy they ultimately develop to address Environmental Justice.

The Committee's recommendations for entities outside of Cal/EPA are organized by entity under Section VII, Other Recommendations. They are provided in the spirit of better communication and coordination, and in hope that they will help achieve Environmental Justice for all Californians. Additional materials that will help the reader understand and use this report to further the goal of Environmental Justice are provided in Section VIII, Background Materials and References.

*Note to Committee: Because the Committee has not developed its Issue Statement, it is not possible to include the "Summary of how Recommendations Respond to Committee's Issue Statement" at this time. This is the placeholder until the Statement has been developed.*

#### **IV. Summary of Public Participation and Comments Received**

The Environmental Justice Advisory Committee recognized, early-on, that developing recommendations and advice to Cal/EPA and the Interagency Working Group on Environmental Justice (IWG) required a concerted effort to ensure that all stakeholders, particularly communities most impacted by environmental justice issues, directly informed the discussions and dialogues of the EJ Advisory Committee. In preparing the Recommendations, the EJ Advisory Committee received considerable public input from various stakeholders, including community residents, community groups, non-profit organizations, environmental organizations, public agencies, business and industry sectors. In addition, input was received from the broad range of viewpoints and expertise of the Advisory Committee members themselves. Information and input received during public participation and involvement processes formed the scope and framed the issues and content of the Report. An involved series of public participation opportunities included:



- Public comments/testimony from EJ Advisory Committee meetings;
- Public workshops of the draft EJ Strategy Framework (Oakland, Fort Ord, Fresno, Los Angeles, and San Diego); and
- Written comments.

The first two public meetings of the EJ Advisory Committee (May 2002 in Los Angeles, and June 2002 in Oakland), the EJ Advisory Committee and the Interagency Working Group served to frame key environmental justice priorities and issues, and the subsequent Public Workshops (convened by Cal/EPA staff) held in September 2002 throughout the state of California refined and further informed issues for consideration by the EJ Advisory Committee. The EJ Advisory Committee had the responsibility to make decisions regarding various issues that came before it, and how those issues would be communicated and translated into the recommendations. When making decisions, the EJ Advisory Committee sought the most inclusive and informed consensus of the Committee, and when consensus could not be reached, a vote of the majority was sought. As described in the EJ Advisory Committee by-laws, each member has the opportunity to communicate a dissenting or alternative opinion to the majority opinion of the Committee.

#### Overview of Public Comments/Input Received

Issues related to environmental justice and opportunities to address environmental justice are many and far-reaching. As heard during the series of public participation processes, the challenge before the EJ Advisory Committee was to craft and communicate a set of Recommendations to Cal/EPA and the IWG that was mindful of the realities facing affected communities, populations, and interested stakeholders/constituencies in California.

Four overarching Strategy Elements, framed as a result of the Advisory Committee meetings and public testimony, formed the foundation of the Recommendations. The four overarching Strategy Elements were:

- **Element #1:** *Ensure environmental justice is integrated into the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.*
- **Element #2:** *Ensure meaningful public participation and promote community capacity building to allow communities to be effective participants in environmental decision-making processes.*
- **Element #3:** *Improve research and data collection to promote and address environmental justice related to the health and environment of communities of color and low-income populations.*
- **Element #4:** *Ensure effective cross-media coordination and accountability in addressing environmental justice issues.*

Cal/EPA staff convened five public workshops to seek input into the EJ Framework. The public workshops were attended by approximately 200 individuals representing community organizations, nonprofit groups, residents, business and industry groups, and public agencies.

*Note to Committee: The Subcommittee requested that a paragraph be included to explain how the four elements were used in the public process to guide discussion at the*

*public meetings, and to provide a framework for written comments. Romel has agreed to provide this discussion.*

As hoped, the public comments and input (both written and oral) received during the public workshops represented diverse views. Geographic specific issues/priorities were communicated, as well as programmatic concerns related to environmental justice implementation at all levels of environmental decision-making.

#### General Comments

The overall intent and purpose of the EJ Framework presented overarching concerns regarding:

- How far-reaching is the Cal/EPA EJ Strategy and its impact on other levels of government (local agencies, other state agencies, and federal entities)?
- The process for the development of a Cal/EPA EJ Strategy needs to be mindful of the legislative intent of criteria development to identify gaps in environmental programs.

#### The Four Strategy Elements

Public comments related to the four strategy elements represented a wide range of viewpoints and generated various discussions associated with the identification of media-specific and programmatic environmental justice efforts outlined in the EJ Strategy Framework.

A full summary of the public comments related to the four strategy elements is attached as Appendix H.

### **V. Recommendations of the Cal/EPA Advisory Committee on Environmental Justice**

*Note to Committee: The Subcommittee did NOT discuss the substance of these recommendations. The recommendations included here were taken directly from the original draft framework document provided to the Committee, by staff, for the Committee meeting on November 20, 2002. The recommendations were largely taken verbatim; the only changes made were grammatical or for clarity. One or two recommendations were relocated to a different element, also for the sake of clarity. Some Subcommittee members have expressed serious concerns about the substance of the recommendations. All Subcommittee members expect the full Committee to have a robust discussion of the substance of this section.*

Following the framework presented for public comment, the Committee has structured its Recommendations around four key elements. The elements are framed as Environmental Justice goals. Broadly, they reflect the mandates given to the Committee and the Interagency Working Group. The elements also reflect the Committee's understanding of the broader issue of environmental justice, and therefore encompass more than the specific items the Committee was directed to address. Briefly, the elements address: (1) integrating Environmental Justice in all environmental programs, (2) providing for meaningful public participation, (3) improving

research and data collection with respect to Environmental Justice, and (4) ensuring coordination and accountability in addressing Environmental Justice.

**Element #1: *Ensure environmental justice is integrated into the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.***

*Establishing Criteria to Identify Environmental Justice Gaps:* The criteria for evaluating existing programs, policies, and activities related to environmental justice should include a process whereby Cal/EPA and its Boards, Departments, and Office determine the existing state of affairs within each Board, Department, and Office as it relates to Environmental Justice, identify challenges and obstacles, set goals, set priorities, and develop action plans in order to institutionalize environmental justice into agency-wide efforts and activities, and determine how to measure the success of the Agency and its Boards, Departments, and Office in achieving environmental justice activities.

*Note to Committee Members: This is the proposed statement on criteria development in the original draft document (see page 3). Does the Committee want to be more specific in our recommendations about criteria for identifying gaps? Please refer to the discussion of this issue in Section III.*

*Addressing Environmental Justice Gaps:* The following recommendations were framed in response to the issues raised by public during the workshops on the draft framework (see Section IV, above).

In order to facilitate review and discussion of the Committee's recommendations to address Element #1, the Committee has grouped the recommendations into three broad categories. The categories are: (a) Program Development & Adoption, (b) Program Implementation, and (c) Program Enforcement.

**Program Development & Adoption:** Program development and adoption varies somewhat between the Cal/EPA Boards, Departments, and Office, because their authorities, mandates, and administrative procedures are different. In general, however, these are activities undertaken to establish new program elements through a public process.

- Develop criteria and protocols for identifying and addressing EJ gaps in the application of protocols/tools for cumulative impact assessments and analyses.
- Explore opportunities to advance environmental justice goals within the current statutory and regulatory structures and identify any necessary changes or clarifications.
- Explore opportunities to incorporate elements of the “precautionary principle” into decision-making processes.
- Develop and implement an EJ screening tool based on best management practices to identify areas of high environmental risks.

**Program Implementation:** As noted already, the programs of the different Boards, Departments and Office vary considerably. Public comments were received about specific programs, or aspects of those programs. The Committee has developed recommendations

following the issues raised by the public, and has grouped them along common themes. The areas considered are: Land Use and Zoning, Facility Siting and Permitting, Risk Reduction, and Site Remediation.

Land Use and Zoning:

- Determine and articulate Cal/EPA's role in local and regional land use and zoning decisions.
- Collaborate with other local governments to help them identify and address environmental justice issues, particularly as they relate to community planning.

Facility or Project Siting and Permitting:

- Develop criteria and protocols for identifying and addressing EJ gaps in new and existing facility siting and permitting processes.
- Identify the appropriate roles of Cal/EPA and its Boards, Departments, and Office in promoting environmental justice in permitting and siting decisions.

Risk Reduction:

- Identify and address EJ gaps related to preventative approaches to risk reduction.
- Develop criteria and protocols for identifying and addressing EJ gaps related to alternatives to standard risk-assessments for addressing environmental justice community impacts, taking into account sensitive populations.

Site Remediation:

- Develop criteria and protocols for identifying and addressing EJ gaps in clean-up related activities (e.g., standard setting, risk assessments, etc.).

**Program Enforcement:** In this context, Program Enforcement refers to the activities undertaken to ensure that regulated facilities, sites, entities, and/or users comply with the requirements that apply to them, including agency response to complaints from members of the public.

- Develop criteria for identifying and addressing EJ gaps in equal application of environmental enforcement efforts.
- Identify opportunities to utilize enforcement as a means to deliver the benefits of environmental protections to all communities.
- Streamline complaint resolution protocols to ensure timely and effective response to community complaints.
- Establish an ombudsman office to field complaints and an auditing process to ensure the complaint process is effective.

***Element #2: Ensure meaningful public participation and promote community capacity building to allow communities to be effective participants in environmental decision-making processes.***

In order to facilitate review and discussion of the Committee's recommendations to address Element #2, the Committee has grouped the recommendations into four broad categories. The categories are (a) Guidelines & Staff Training, (b) Availability of Information, (c) Capacity Building, and (d) Relationship Building:

Guidelines & Staff Training: These are recommendations for internal activities to support meaningful public participation.

- Develop Guidelines on meaningful public participation and community relations that emphasize collaboration with community members on environmental issues and building and sustaining productive working relationships with communities.
- Enhance staff training to increase awareness of environmental justice, including but not limited to, public participation, meaningful community outreach, and public accessibility of information, and ensure that staff training is an integral component of all of these elements.
- Coordinate with other state and federal agencies (and the Mexican government on cross border issues) to avoid duplication of outreach efforts.

Availability of Information: These recommendations are designed to increase public access to information necessary for meaningful participation in environmental decision-making.

- Distribute notices and materials widely throughout the community (e.g., posting on websites, making announcements through local media, at libraries, schools, community centers, etc.).
- Ensure timely distribution and open accessibility of documents; distribute timely notices of public meetings in the community.
- Design outreach efforts to appropriately address the culture of the community (e.g., urban, rural, migrant, etc.) to improve community participation.
- Provide adequate translation or interpretation services for documents and public meetings.

Capacity Building: These recommendations are made in response to community comments about their need for better understanding of the technical and procedural aspects of environmental decision-making, in order to participate in a meaningful way.

- Identify opportunities to provide grants and technical assistance to communities, to enhance their knowledge and understanding of environmental issues and governmental processes.
- Implement and support the Cal/EPA Environmental Justice Small Grants program (AB 2312, Statutes of 2002) to enhance stakeholder participation in environmental decision-making processes.
- Explore ways to assist stakeholders in reviewing technical documents related to environmental decisions affecting their communities.

Relationship Building: These recommendations reflect public comments underscoring the need for a respectful relationship if meaningful communication is to occur.

- Explore opportunities to establish community affairs offices and to recruit community residents for positions in these offices.
- Establish community liaisons, advisory groups, and task forces.
- Capitalize on existing community resources by building positive and effective working relationships with community-based and non-governmental organizations.

***Element #3: Improve research and data collection to promote and address environmental justice related to the health and environment of communities of color and low-income populations.***

In order to facilitate review and discussion of the Committee's recommendations to address Element #3, the Committee has grouped the recommendations into three broad categories. The categories are: (a) Data Collection, (b) Data Sharing, and (c) Community-based Research.

Data Collection: These recommendations focus on ways to augment existing data, in order to better address environmental justice issues.

- Identify and address gaps in research and data collection.
- Assess cultural impacts, and the development of more complete databases on affected cultural issues (such as sacred sites, subsistence fishing, language barriers, etc.).
- Enhance systems for consistent environmental data collection and application to ensure applicability of data to environmental justice issues.

Data Sharing: These recommendations are designed to enhance the sharing of collected data in order to make better use of it, and address environmental justice issues.

- Promote collaborative efforts within Cal/EPA to optimize data collection across media and programs.
- Promote collaborative efforts with other federal, state, and local agencies towards sharing of data and information relevant to environmental justice.

Community-based Research: Community-based research is used here to describe research efforts where the community plays a lead role in designing, implementing, and analyzing the results of the study.

- Establish mechanisms to support community-based research projects (e.g., grants, loans, technical assistance, or collaboration).

***Element #4: Ensure effective cross-media coordination and accountability in addressing environmental justice issues.***

In order to facilitate review and discussion of the Committee's recommendations to address Element #4, the Committee has grouped the recommendations into two broad categories. The categories are: (a) Cross-Media Coordination, and (b) Agency Accountability.

Cross-media Coordination: Coordination between media (such as air, water, waste, etc.) is an important aspect of Cal/EPA's overall function as an agency. These recommendations are intended to improved cross-media coordination and better support Environmental Justice efforts.

- Develop protocols for effective coordination within Cal/EPA, its Boards, Departments, and Office, including regional offices, on environmental justice issues.
- Examine mechanisms to ensure greater coordination with federal state and local agencies.
- Explore opportunities to develop environmental justice projects that can function as models for collaborative approaches on environmental justice issues (similar to projects supported by U.S. EPA in their National Environmental Justice Action Agenda).

Agency Accountability: Accountability is a critical part of effective implementation of any strategy. It was also identified, by many members of the public, that this is an area where improvements could be made.

- Ensure full consideration of these Advisory Committee Recommendations by Cal/EPA and the Interagency Working Group.
- Provide appropriate resources to carry out activities by Cal/EPA Boards, Departments and Office to address environmental justice issues.
- Develop performance measures to determine the success of environmental justice programs with review and input from EJ stakeholders.
- Promote periodic performance reports from Cal/EPA Boards, Departments, and Office, including regional offices, to external stakeholders.
- Identify opportunities for ongoing communication between Cal/EPA and external stakeholders.
- Explore opportunities to ensure compliance with Title VI of the Civil Rights Act.

## **VI. Implementation of Recommendations**

*The Committee has not discussed the contents of this Section. However, the Subcommittee took the additional step of outlining the points to be covered. They are as follows:*

- a. Next Steps
- b. Priorities
- c. Timelines
- d. Responsible Parties
- e. Resources (funding and staffing)
- f. Role of the Environmental Justice Advisory Committee

## **VII. Additional Recommendations**

*The Committee has not discussed the contents of this Section. However, the Subcommittee took the additional step of outlining the points to be covered. They are as follows:*

- a. Land-Use Decision Making
  - i. Office of Planning and Research
  - ii. Local Land Use Planning Agencies
- b. Transportation Infrastructure Decision Making
- c. Other Agencies
- d. Tribal Issues
- e. Federal Issues
- f. Statutory Changes
- g. Other Recommendations

#### **VIII. Background Materials and References**

- a. Appendix A: Responsible Agencies- Federal, State, and Local, Organized by Media
- b. Appendix B: Responsible Agencies Contact List, Organized by County
- c. Appendix C: Cal/EPA Boards, Departments, and Office
- d. Appendix D: Cal/EPA Interagency Working Group
- e. Appendix E: Cal/EPA Actions to Address Environmental Justice
- f. Appendix F: Detailed History of Environmental Justice
- g. Appendix G: California State Law on Environmental Justice
- h. Appendix H: Complete Summary of Public Participation in Drafting the Committee's Recommendations
- i. Appendix I: References